



State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982



John & Carolyn Murphy
62 North High St
Derry, NH 03038

LETTER OF DEFICIENCY
#SP-2002-06
May 06, 2002

RE: DES Wetlands File #2002-00664 Rte 153, Wakefield

Dear Mr./Ms. Murphy:

On April 22, 2002, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, identified as Wakefield Tax Map 55, Lot 15K, RTE 153, Wakefield, New Hampshire (the "Property"). The purpose of this site inspection was to determine compliance with RSA 483-B, the Comprehensive Shoreland Protection Act. During the inspection the following deficiencies were noted:

1. Within the natural woodland buffer of the protected shoreland, a healthy, well-distributed stand of trees, saplings, shrubs and ground covers was not left in place.
2. Evidence was observed indicating that stumps may have been removed within 50 feet of the Sandy Pond reference line.

In response, you are requested to take the following actions:

1. Within 30 days of receipt of this Letter of Deficiency, submit a restoration plan to DES. Your restoration plan should include:
 - a. A plan with dimensions, drawn to scale, showing:
 - i. existing conditions,
 - ii. proposed conditions after restoration with native vegetation.
 - b. A detailed description of the proposed means of erosion and sediment controls.
 - c. A detailed description of the proposed planting plan for the stabilization and revegetation of the restoration area. The plan should indicate the number, type of plant species, and proposed location of plantings. Saplings should be a minimum of 5-6 feet in height and all plantings should be from the list of New Hampshire native and naturalized species. Saplings should be proposed in areas within 150 feet of the Sandy Pond reference line where trees were removed.
 - d. A description of the proposed construction sequence and methods for accomplishing the restoration, and time frame for completion.
2. Implement the restoration plan only after receiving written approval and as conditioned by DES.

Please be aware that removal of stumps located within 50 feet of a public water is prohibited. DES is authorized to seek fines of up to \$1,500. per stump for this violation. Stumps are allowed to be ground flush with the ground surface, as long as the root systems are left in place.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

Enclosed, for your information, are copies of fact sheets explaining the Comprehensive Shoreland Protection Act, a copy of the Act, administrative rules Env-Ws 1400, a guide to restoration of shoreland property, guidelines to the revegetation of shoreland property, and proper installation and maintenance of erosion control measures.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Allyson Gourley, Shoreland Compliance Coordinator
Wetlands Bureau
Department of Environmental Services
6 Hazen Drive
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact Allyson Gourley or myself at (603) 271-2147.

Sincerely,

COPY
Mary Ann Tilton
Senior Enforcement Officer
Wetlands Bureau

CERTIFIED MAIL 7099 3400 0002 9773 5722

cc: Rene Pelletier, Manager, Land Resources Management Program
Gretchen Rule, Administrator, DES Legal Unit
Wakefield Conservation Commission
Wakefield Board of Selectmen